

**IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION**

ROY MUNN, Individually, )  
                            )  
Plaintiff,                )  
                            )  
v.                         )          CASE NO. CV421-145  
                            )  
311 WEST CONGRESS, LLC, A )  
Domestic Corporation,     )  
                            )  
Defendant.                )  
                            )

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**O R D E R**

Before the Court is the parties' Stipulation of Dismissal. (Doc. 10.) In his Complaint, Plaintiff alleges that Defendant violated Title III of the Americans with Disabilities Act ("ADA") and seeks injunctive relief, among other remedies. (Doc. 1.) After careful review of Plaintiff's complaint, however, the Court is concerned that the allegations contained therein are insufficient to establish this Court's jurisdiction. Particularly, the Court questions whether Plaintiff has standing to pursue his claim.

When subject matter jurisdiction appears to be lacking, "a federal court must inquire *sua sponte* into the issue[.]" Morrison v. Allstate Indem. Co., 228 F.3d 1255, 1261 (11th Cir. 2000) (citation omitted); Univ. of S. Ala. v. Am. Tobacco Co., 168 F.3d 405, 410 (11th Cir. 1999) ("[I]t is well settled that a federal court is obligated to inquire into subject matter jurisdiction *sua sponte* whenever it may be lacking." (citations omitted)). The

Article III standing doctrine implicates a court's subject matter jurisdiction. Bochese v. Town of Ponce Inlet, 405 F.3d 964, 974 (11th Cir. 2005) (citation omitted). Because standing is a jurisdictional issue, the Court "has an obligation to assure itself that a litigant who seeks an injunction has Article III standing at the outset of the litigation." Assoc. for Disabled Ams., Inc. v. Integra Resort Mgmt., Inc., 385 F. Supp. 2d 1272, 1276 (M.D. Fla. 2005) (citation omitted). Accordingly, the Court **DIRECTS** the Plaintiff, **within fourteen days** of the date of this order, to file a brief with evidentiary support establishing whether Plaintiff has standing to pursue his claim. Defendant shall have **fourteen days** from the filing of Plaintiff's brief to file a responsive brief. Plaintiff's failure to comply with this order will result in dismissal of this case for lack of subject matter jurisdiction.

SO ORDERED this 1<sup>st</sup> day of November 2021.

  
WILLIAM T. MOORE, JR.  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA